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R E M A R K S

A Request for Continued Examination is concurrently filed herewith.

Please enter the previously unentered Amendment B and, subsequently enter the additional amendments herein.

Responding to the Examiner's "new matter" concerns of the Advisory Action, it is submitted that the phraseology of concern namely "the source and the sensor are configured to project a radiant energy beam on a path" as in amended claim 26, are in fact fully supported by the figures and text of the present specification. In this regard, the Examiner's attention is directed to Figs. 4D and 4E wherein an embodiment of the invention is illustrated with both the source and the sensor carried fixed relative to one another in a common housing. It is thus requested that the "new matter" objection raised in the Advisory Action be withdrawn.

Further, the Examiner seems to be treating calibration, and calibration factors and the like as being the same as testing, since in the Advisory Action, the Examiner makes the following statement:

"said calibration of the light valve based upon the alignment variables is considered to correspond to a beam alignment test"; and

"this calibration is considered to correspond to a beam alignment test".

In fact, calibration and testing are quite different as is made clear by definitions from the American Heritage College Dictionary, copy attached, relative to these two words. For example, on page 199 thereof, attached, calibrate is defined as:

to check, adjust, or determine the graduations of (a quantitative measuring instrument) ... To correct; adjust.

Unlike the above, the same dictionary defines "test" as:

A procedure for critical evaluation; a means of determining the presence, quality or truth of something ... a basis for evaluation or judgement".

It is submitted that the two definitions quoted above, bring out the substantial difference between the concept of calibrate or calibration and testing. Where the rejection is based on anticipation, as it is here, for example, p. 26-29, 30-32, 42 and 43 as being anticipated by Schwartz, and 26-28, 30-32 as being anticipated by Graham, the law of anticipation must be applied when trying to make this determination. The law of anticipation is quite explicit. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art document, or embodied in a single prior art device or practice. For example, in this regard, see *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopedics Inc.*, 976 F.2d 1559, 24 USPQ 2d 1321, 1326 (Fed. Circ. 1992).

The previous Amendment B explained in detail why the rejected claims are not anticipated by either Schwartz and Graham. From the above noted comments from Page 2 of the Advisory Action, it is quite clear that the Examiner recognizes that the calibration process of Schwartz and the calibration process of Graham are not the same as the pending claims. To make up for this difference, the Examiner has resorted to above quoted wording namely:

"said calibration of the light valve based upon the alignment variables is considered to correspond to a beam alignment test (relative to Schwartz); and

"this calibration is considered to correspond to a beam alignment test". (relative to Graham)

That phraseology is not consistent with the requirements for a proper anticipation rejection. It is again submitted that the various claims, such as 26-32, 42 and 43 are not anticipated by Schwartz. Similarly, claims 26-28 and 30-32 are not anticipated by Graham.

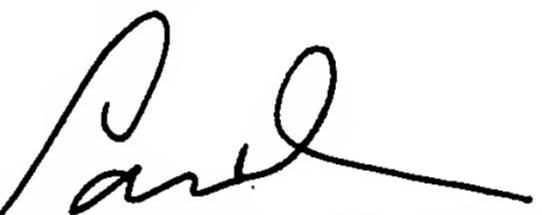
For the above reasons, as well as the reasons previously presented in Amendment B, the claims are neither anticipated nor made obvious by the cited prior art.

Relative to the Examiner's clarity objection in connection with "a beam alignment test", clearly the Examiner understands what is meant by the phrase. One of skill would also understand, by reading the specification in conjunction with the figures. That is all that is required under the Patent Statute and the MPEP. It is requested that this objection be withdrawn.

Allowance of the application is hereby respectfully requested.

Respectfully submitted,
WELSH & KATZ, LTD.

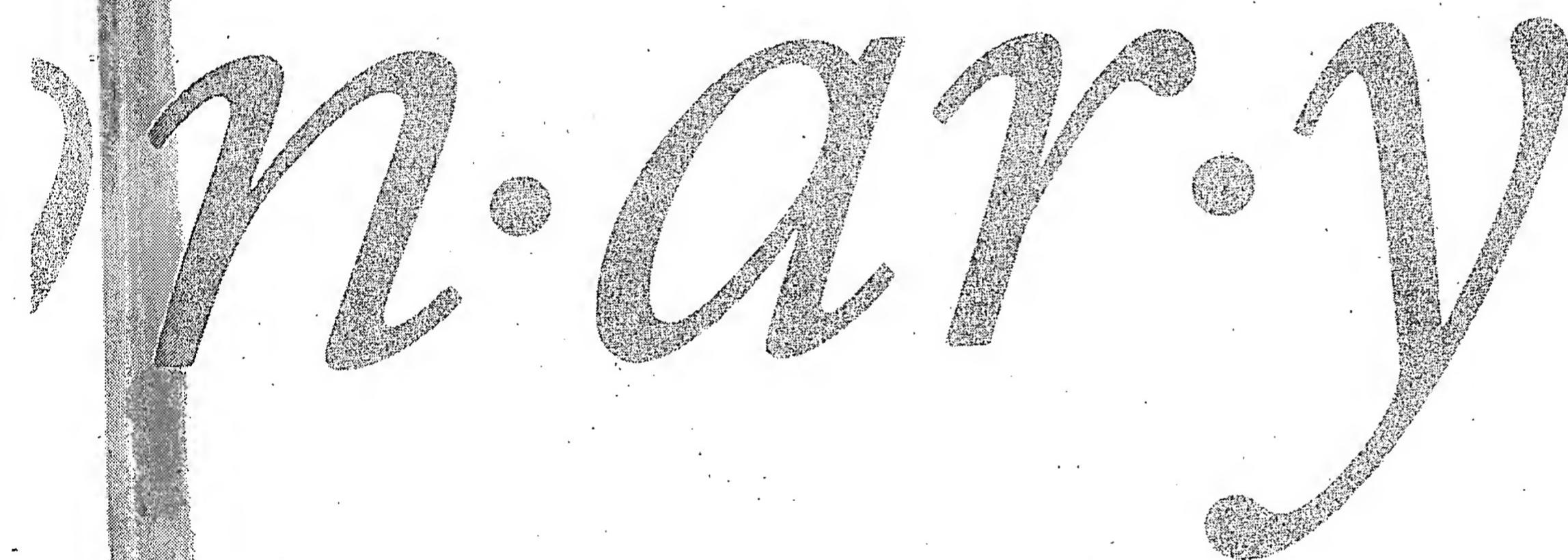
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THE
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cal•cit•ic (-sít'ik) *adj.*
A peptide hormone that low-phate levels without augmenting. *TON(E) + -IN.*

cal•bol *Ca* A soft metallic element of animals and plants and compo-

arth's crust. It occurs naturally in

wite. Atomic number 20; atomic

it 842 to 848°C; boiling point

55; valence 2. See table at

; see CALX + -IUM.]

ne compound, CaC_2 , obtained

e or quicklime with carbon

as.

alline compound, CaCO_3 , occu-

estone, marble, and other form-

ilk, medicines, and dentifrices.

escent compound, CaCl_2 , used

and deicer and to control dust

y-black compound, CaCN_2 .

artificial salt of cyclamic acid

formerly used as a low-calor-

ess powder, CaF_2 , used in em-

and cements.

white powder, $\text{Ca}(\text{OH})_2$, used in

tints, and petrochemicals.

crystalline solid, $\text{Ca}(\text{OCl})_2 \cdot 4\text{H}_2\text{O}$

icide, and bleaching agent.

nt 2.

mpy powder, CaO , used as a flu-

paper, and in glassmaking.

deliquescent powder, $\text{Ca}(\text{H}_2\text{PO}_4)_2$,

d as a plant food. 2. A crystalline

animal feed, glass, and toothpaste.

$\text{Ca}_3(\text{PO}_4)_2$, used in fertilizers and

t.

cal•spär' *n.* See calcite. [Pan-

: kalk, lime (< OSwed. *kalka*)

calc-, lime; see CALX) + spat, sp-

ol] *adj.* 1. That can be calculated.

2. Readily relied on; dependable.

cal•cu•la•bil•ty *n.*

cal•cu•lat•ed, **-lat•ing**, **-lates** *v.*

ation; reckon. 2. To make and make for a deliberate purpose; de-

it', -lät'). Chiefly New England

o suppose: "I cal'late she's a rig-

s). b. To plan, intend, or count

mathematical process; figure. 2. I

egional. a. To suppose; guess. b. T

someone or something. [LLat. *cal-*

culus; small stone used in reck-

small stone for gaming. See cur-

tid] *adj.* 1. Determined by mat-

dertaken after careful estimation

de or planned to accomplish a

insincere, calculated modesty

lat'ed•ly *adv.*

cal•ting *adj.* 1. Capable of perform-

ig machine. 2.a. Shrewd; crimi-

niving. —cal'cu•lat'ing•ly *adv.*

cal•shan' *n.* 1.a. The act, process,

an estimate based on probabilit-

estimation and planning of ou-

ne's own interests.

cal•ter *n.* 1. One that calculates,

chanical device for the perfor-

ations. b. A person who oper-

vise makes calculations. 2. A set

to aid in calculating.

cal•ti *adj.* Relating to, caused by, or han-

, pl. -ll (-li') or -lus•es. 1. Path-

in the body, usu. formed of min-

Dentistry. Tartar. 3. Math. a. The

that deals with limits and the dif-

of functions of one or more va-

lalysis or calculation using a spe-

system or method of calculati-

reckoning. See CALCULATE.]

The study of maxima and minima

integrands are functions of indepen-

ent variables and their derivatives.

city of E India on the Hooghly R.

ed c. 1690. Pop. 3,305,006.

Alexander. 1898–1976. Amer. scu-

ile in Paris in the early 1930's.

, kôl-) *n.* A large crater formed

volcanic explosion or by collapse of a volcanic cone. [Sp., caldrón, caldera < LLat. *caldaria*. See CALDRON.]

cal•de•rón de la Bar•ca (käl'dä-rôn' dä lä bär'kä, käl'thë-rôn' thë lä bär'kä), Pedro. 1600–81. Spanish playwright whose plays include *Life Is a Dream* (1635).

cal•dron also **caul•dron** (kôl'drən) *n.* 1. A large vessel used for

boiling. 2. A state or situation of great distress or unrest.

[ME alteration of *cauderon* < Norman Fr., dim. of *caudiere*,

cooking pot < LLat. *caldaria* < fem. of Lat. *caldarius*, suit-

able for warming < *calidus*, warm. See *kelo-1**.]

cal•well (kôld'wé'l-, -wäl, kôld'wé'l-). A city of SW Idaho on the

Boise R. W of Boise. Pop. 18,400.

Caldwell; Erskine Preston. 1903–87. Amer. writer best known

for *Tobacco Road* (1932).

Caldwell; Sarah. b. 1928. Amer. conductor and opera producer

noted for her staging of classical and modern works.

cal•leche (kô-lésh') *n.* Var. of calash.

Cal•e•don (käl'i-dän). A town of SE Ontario, Canada, NW of

Toronto. Pop. 26,645.

Cal•e•do•ni•a (käl'i-dö'né-ä, -dön'yä) *n.* 1. Roman Britain N

of the Antonine Wall stretching from the Firth of Forth to the

Firth of Clyde. 2. Scotland. —**Cal'e•do•ni•an** *adj.* & *n.*

Cal•e•do•ni•an Canal. A waterway, c. 97 km (60 mi), of N Scot-

land from Loch Linnhe to Moray Firth.

cal•en•dar (käl'an-där) *n.* 1. Any of various systems of reck-

oning time in which the beginning, length, and divisions of a

year are defined. 2. A table of the months, weeks, and days

in at least one year. 3. A schedule of events. 4. An ordered list

of matters to be considered. 5. Chiefly British. A university

catalog. —*tr.v.* -dared, -dar•ing, -dars. To enter in a calen-

dar; schedule. [ME *calender* < OFr. *calendier* < LLat. *kalendarium* < Lat., account book < *kalendas*, calends (interest

being due on the calends). See *kelo-2**.]

calendar month *n.* See month 2.

calendar year *n.* See year 1a.

cal•en•der (käl'an-där) *n.* A machine in which paper or cloth

is made smooth and glossy by being pressed through rollers.

—*tr.v.* -dered, -der•ing, -ders. To press (paper or cloth) in

such a machine. [Fr. *calandre* < VLat. **colendra*, alteration

(poss. influenced by Lat. *columna*, column) of Lat. *cylindrus*,

roller. See CYLINDER.] —**cal'en•der•er** *n.*

cal•en•du•la (käl'en'dü-lä) *n.* A Mediterranean annual plant

(*Calendula officinalis*) in the composite family, cultivated for

its yellow or orange rayed flower heads. [Med.Lat., marigold

< Lat. *kalendae*, calends. See CALENDAS.]

cal•en•ture (käl'en-chör') *n.* A tropical fever once attributed

to heat. [Sp. *calentura* < *calentar*, to heat < Lat. *calēns*,

calēns, pr.part. of *calēre*, to be warm. See *kelo-1**.]

cal•f (käf, käf) *n.*, pl. **calves** (kävz, kävz). 1.a. A young cow or

bull. b. The young of certain other mammals, such as the

elephant or whale. 2. Calfskin leather. 3. A large floating

junk of ice split off from a glacier, an iceberg, or a floe.

4. An awkward, callow youth. [ME < OE *cealf*.]

cal•f (käf, käf) *n.*, pl. **calves** (kävz, kävz). 1. The muscular back

part of the human leg below the knee. [ME < ON *kälf*.]

cal•skin (käf'skin', käf'-) *n.* 1. The hide of a calf. 2. Fine

leather made from the hide of a calf.

Cal•ga•ry (käl'gä-ré). A city of S Alberta, Canada, S of Ed-

monton; site of the annual Calgary Stampede, dating from

1912. Pop. 592,743. —**Cal•gar•i•an** (-gär'ē-ən, -gär'-) *n.*

Cal•houn (käl-hōn'), John Caldwell. 1782–1850. Vice Pres-

ident of the U.S. (1825–32) who maintained that states had

the right to nullify federal legislation.

Cal•il (käl'ē) *n.* 1. One that calculates, e.g., mechanical device for the perfor-

ations. b. A person who operates

vise makes calculations. 2. A set

to aid in calculating.

cal•i•ber (käl'ē-bar) *n.* 1.a. The diameter of the inside of a

cylinder. b. The diameter of the bore of a firearm, usu. in

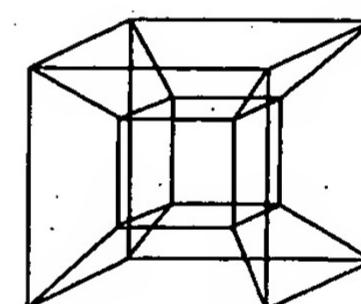
hundredths or thousandths of an inch and written as a decimal fraction. c.

terror

testimony



terrapin
Diamondback terrapin



tesseract

| | |
|----------|-----------|
| á pat | oi boy |
| á pay | ou out |
| ár care | oo took |
| á father | oo boot |
| é pet | ü cut |
| é be | ür urge |
| í pit | th thin |
| í ple | th this |
| ít pler | hw which |
| ó pot | zh vision |
| ó toe | ə about, |
| ó paw | item |

Stress marks:

' (primary);
' (secondary), as in
dictionary (dik'sho-nér'ē)

geographic region, such as a colonial possession; dependent on an external government. 4. Often **Territory**. a. A division of the United States that is administered by an appointed or elected governor and elected legislature. b. An organized political subdivision of Canada or Australia. 5. An area for which a person is responsible as a representative of an agent. 6. **Sports**: The area of a field defended by a mating pair, or group and often vigorously defended by intruders. 8. A sphere of action or interest; a province. [Lat. *territorium* < *terra*, earth. See *ter*-.]

terrible (tér'ə-bil') n. 1. Intense, overpowering fear. See *Syns* at *fear*. 2. One that instills intense fear. 3. The ability to instill fear. 4. Violence committed or threatened to intimidate or coerce, as for military or political purposes. 5. *Informer*: An annoying or intolerable pest. [ME *terrou* < OFr. *terro* < Lat. *terrō*, to frighten.]

terrorism (tér'ə-riz'm) n. The unlawful use or threatened use of force or violence to intimidate or coerce societies or governments often for ideological or political reasons.

terrorist (tér'ə-rist) n. One that engages in acts or an act of atrocity or level ground. [Fr. *terreplein* < *terre*, earth + *plein*, with earth; *terra*, earth. See *ter*-.]

terrestrial (tér'ə-sē'ral) adj. Of or relating to Earth, especially the solid, mundane characteristics of the surface of the planet. [Lat. *plenus*; see *pe*-.]

terrestrial animal (tér'ə-sē'ral' ān'məl) n. Any of various land animals, esp. those that live on the surface of the earth. [Lat. *terrestris* < *terra*, earth + *terrestris*, -al.]

terrestrial planet (tér'ə-sē'ral' plān'it) n. Any of the planets, Mercury, Venus, Earth, and Mars, all of which are similar in size and density to Earth and have solid surfaces.

terret (tér'ēt) n. A ring on an animal's collar or chain. [Fr. *terret*, var. of *torc* < Lat. *tor*, to twist.]

terrene (tér'ēn) n., pl. -ries. 1. One of the uncut loops that form the fabric of a fabric. 2. A pile fabric, usu. of cotton, with uncut ends on both sides, used for bath towels and robes. [?] [Lat. *plenus*; see *pe*-.]

Dame Ellen Alice or Allicia (1847–1928). British actress known for her Shakespearean roles.

terse (tér's) adj. 1. Brief and to the point; concise: *a terse one-word answer*. [Lat. *tersus*, p.part. of *tergere*, to cleanse.] — **terse'ly** adv. — **terse'ness** n.

tertial (tér'tē-ēl) adj. Of, relating to, or being the third row of feathers on the basal section of a bird's wing. — n. A feather. [Lat. *tertius*, third; see *TERIARY* + -AL¹.]

tertian (tér'tē-ēn) adj. Recurring every other day or, when used inclusively, every third day: *tertian malaria*. — n. A tertian fever, such as vivax malaria. [ME *terciane*, fever < Lat. (*febris*) *tertiana*, (fever) of the third (day) of the month. See *trei*-.]

tertiary (tér'tē-ēr'ē) adj. 1. Third in place, order, degree, etc. 2. Of, relating to, or being the short flight feathers of the body on the rear edge of a bird's wing. 3. Chem.: relating to salts of acids containing three replaceable atoms. b. Of or being an organic compound in a group, such as an amine, in which three nonmetal radicals are bound to one atom. 4. **Tertiary**. Geol. Of, belonging to, or being the time of the first period of the Cenozoic Era, extending from the end of the Mesozoic Era to the Quaternary of the Cenozoic Era and characterized by the appearance of modern flora and of apes and other large mammals. — **geologic time**. — n., pl. -ies. 1. A tertiary feather. 2. Geol.: The Tertiary Period or its system of deposits. 3. Cath. Ch.: A member of a religious Third Order. [Lat. *tertius*, third. See *trei*-.]

tertius (tér'tē-ēs) n. A color resulting from the mixture of two colors.

tertoid (tér'tē-ēd kwid', tér'tē-ōōd') n. Something that cannot be classified into either of two groups completely exhaustive; an intermediate thing or factor. [LLat. *tertius*, neut. of *tertius*, third + *quid*, something.]

tertulian (tér'tūl'yān, -tūl'ē-ān). A.D. 160?–230? Carthaginian who formed his own schismatic sect.

tertulian (tér-vā'lānt, tür'vā'-) adj. Trivalent.

terza (tér'zā rē'mā) n., pl. **ter·ze·ri·me** (tér'zā rē'mē) n. A dense form of Italian poetry consisting of tercets of 10 lines with the middle line rhyming with the first and last of the following tercet. [Ital. : *terza*, third + *rime*, rhyme.]

tertiary (tér'tē-ēr'ē) adj. 1. Of or relating to a third in jurisdiction. 2. Relating to or involving regional government. 3. Of or relating to a territorial administrative territory. 4. Of or relating to home defense. 5. Of or relating to a territory from which a nation is ruled. — **tertiary language** Teaching English as a second language.

tertiary (tér'tē-ēr'ē) n. 1. The unit of magnetic flux density in the International System, equal to one weber per square meter. See *measurement*. [After Nikola Tesla.]

Nikola (nik'ō-lā), 1856–1943. Serbian-born physicist who discovered the principles of alternating current (1881).

tesla (tēs'lä) n. An air-core transformer used as a source of high-power, as for x-ray tubes. [After Nikola Tesla.]

teacher (tēch'ir) n. 1. One who teaches. 2. Teachers of English to speakers of other languages.

teach (tēch') tr.v. -taught, -taught, -taught. To form a pattern, as with tesserae. [*Lat. tessellatus*, of stones < *tessella*, small cube, dim. of *tessera*, a cube.] — **teach·sel·la·tion** n.

teaser (tēz'ir) n., pl. **tes·ser·ae** (tēz'ir) n. One of the small stone squares used to make mosaic patterns.

[Gk. *tessera*, neut. pl. of *tesseres*, four; *tes*, four. See *TESSERA*.] — **tear** (tēr) n. The four-dimensional equivalent of light; see *ACTINO-*.

teaser (tēz'ir) n. Mus. The prevailing range of a

vocal or instrumental part, within which most of the tones lie. [Ital. < Lat. *textura*, web, structure. See *TEXTURE*.]

test (tēst) n. 1. A procedure for critical evaluation; a means of determining the presence, quality, or truth of something; a trial. 2. A series of questions, problems, or physical responses designed to determine knowledge, intelligence, or ability. 3. A basis for evaluation or judgment. 4. **Chem.** a. A physical or chemical change by which a substance may be detected or its properties ascertained. b. A reagent used to cause or promote such a change. c. A positive result obtained. 5. A cupel. — v. **test·ed**, **test·ing**, **tests**. — **tr.** 1. To subject to a test; try. 2. a. To determine the presence or properties of (a substance). b. To assay (metal) in a cupel. — **intr.** 1. To undergo a test. 2. To administer a test. 3. To achieve a score or rating on tests. 4. To exhibit a given characteristic when subjected to a test. [ME *cupel* < OFr. *pot* < Lat. *testū*, *testum*.] — **test·a·bil'i·ty** n. — **test·a·ble** adj.

test (tēst) n. A hard external covering, as that of certain amoebas, dinoflagellates, and sea urchins. [Lat. *testa*, shell.]

Test. abbr. *Bible*. Testament.

tes·ta (tēs'tā) n., pl. -tae (-tē'). The often thick or hard outer coat of a seed. [Lat., shell.]

tes·ta·cean (tē-stā'shān) n. Any of various rhizopods of the order Testacea, characterized by the presence of a shell. [< NLat. *Testacea*; order name < Lat., neut. pl. of *testaceus*, covered with a shell < *testa*, shell.] — **tes·ta·cean** adj.

tes·ta·ceous (tē-stā'shōs) adj. 1. **Biol.** a. Having a hard shell or shell-like outer covering. b. Composed of a shell or shell-like material. 2. **Color**: Having the reddish-brown or brownish-yellow hue of bricks. [Lat. *testaceus* < *testa*, shell.]

tes·ta·cy (tēs'tā-sē) n. Law. The condition of being testate.

tes·ta·ment (tēs'tā-mənt) n. 1. Something that serves as tangible proof. 2. A statement of belief; a credo. 3. Law. A written document providing for the disposition of a person's property after death; a will. 4. **Testament**. *Bible*. Either of the two main divisions of the Christian Bible. 5. **Archaic**. A covenant between human beings and God. [ME, a will < Lat. *testamentum* < *testāri*, to make a will. < *testis*, witness. See *trei*-.] — **tes·ta·men·tar·y** (-mēn'tā-rē, -mēn'trē) adj.

tes·ta·te (tēs'tā-tāt) adj. Law. Having made a legally valid will before death. [ME < Lat. *testatus*, p.part. of *testāri*, to make one's will. See *TESTAMENT*.]

tes·ta·tor (tēs'tā-tōr, tē-stā-tōr) n. Law. One who has made a legally valid will before death. [ME *testatour* < AN < Lat. *testātor* < *testāri*, to make one's will. See *TESTAMENT*.]

tes·ta·trix (tēs'tā-triks) n., pl. -tri·ces (-tri-sēz'). Law. A woman who has made a legally valid will before death. [Lat., fem. of *testātor*, testator. See *TESTATOR*.]

test case n. Law. A legal action whose outcome is likely to set a precedent or test the constitutionality of a statute.

test·cross (tēst'krōs', -krōs') Genet. n. A cross between an individual exhibiting the dominant phenotype of a trait and an individual that is homozygous recessive for that trait in order to determine the genotype of the dominant individual. — **test·cross'** v.

test·drive (tēst'driv') tr.v. -drove (-drōv'), -driv·en (-drīv'ən), -driv·ing, -drives. To drive (a motor vehicle) to evaluate it.

test·er (tēs'tār) n. One that tests: *a battery tester*.

tes·ter (tēs'tār, tē'stār) n. A canopy, as over a bed or pulpit. [ME < Med.Lat. *testrum* < LLat. *testa*, skull < Lat., shell.]

tes·ter (tēs'tār) n. See *teston* 2. [Alteration of *TESTON*.]

tes·ti·cle (tēs'ti-kāl) n. A testis, esp. within a scrotum. [ME *testicule* < Lat. *testiculus*, dim. of *testis*, testis. See *TESTIS*.]

tes·tic·u·lar (tēs'tik'yo-lär) adj. Of or relating to a testis.

tes·tic·u·late (tēs'tik'yo-lāt) adj. 1. Having the shape of a testicle; ovoid. 2. Bot. Having two oblong tubes, as some orchids. 3. Testicular.

tes·ti·fy (tēs'tā-fī') v. -flied, -fy·ing, -fles. — **intr.** 1. To make a declaration of truth or fact under oath; submit testimony.

2. To express or declare a strong belief, esp. to make a declaration of faith. 3. To make a statement based on personal knowledge in support of an asserted fact; bear witness. 4. To serve as evidence. — **tr.** 1. To declare publicly; make known.

2. To state or affirm under oath. 3. To bear witness to; provide evidence for. [ME *testifien* < Lat. *testificari* : *testis*, witness; see *trei*- + *-ficari*, -fy.] — **tes·ti·fi·ca·tion** (-fi-kā'shān) n. — **tes·ti·fi·er** n.

tes·ti·mo·ni·al (tēs'tā-mō'nē-əl) n. 1. A statement in support of a particular truth, fact, or claim. 2. A written affirmation of another's character or worth; a personal recommendation. 3. Something given in appreciation of a person's service or achievement; a tribute. — **adj.** Relating to or constituting a testimony or testimonial: *testimonial statements*. [ME < OFr. *of evidence* < LLat. *testimoniālis* < Lat. *testimoniūm*, testimony. See *TESTIMONY*.]

tes·ti·mo·ny (tēs'tā-mō'nē) n., pl. -nies. 1. a. A declaration by a witness under oath, as that given before a court. b. All such declarations, spoken or written, offered in a legal case or deliberative hearing. 2. Evidence in support of a fact or an assertion; proof. 3. A public declaration regarding a religious experience. 4. a. The stone tablets inscribed with the Law of